



James E. Robinson, pro se
4675 Color Up Ct.
Las Vegas, Nevada 89122
(415) 574-9735

UNITED STATES FEDERAL DISTRICT COURT
DISTRICT OF NEVADA

JAMES E. ROBINSON, PRO SE

Case No.: 2:16 -cv-00902-JAD-PAL

Plaintiff,

vs.

DUNGARVIN NEVADA, L.L.C., CHARLOTTE
MCCLANAHAN, TENEKA MCQUEEN, BARBARA
JORDAN AND YOLANDA FESTES

FIRST AMENDED EMPLOYMENT
DISCRIMINATION COMPLAINT FOR DAMAGES
UNDER TITLE VII, THE AMERICANS WITH
DISABILITIES ACT, THE AGE DISCRIMINATION
IN EMPLOYMENT ACT, UNLAWFUL DISCHARGE
FROM EMPLOYMENT, RETALIATION, AND THE
INTENTIONAL INFLICTION OF EMOTIONAL
DISTRESS

Defendants

FIRST AMENDED
COMPLAINT FOR EMPLOYMENT DISCRIMINATION

The disabled pro se Plaintiff brings a complaint against Dungarvin Nevada, L.L.C., Charlotte McClanahan Teneka McQueen, Barbara Jordan, and Yolanda Festes, for discrimination as set forth below.

The disabled pro se Plaintiff DOES NOT demand a jury trial.

I. PARTIES

Name and Address of Plaintiff:

1. The disabled pro se Plaintiff James E. Robinson resides at 4675 Color Up Ct., Unit 103, Las Vegas, Nevada, 89122. His telephone contact number is (415) 547-9735. His email address is robinsonjames777@yahoo.com

Name and Address of Defendants:

1. Dungarvin's National Central Office, located in Mendota Heights, MN, provides oversight to 13 privately owned companies that are supported within their regional structure. The National Central Office address for Defendant Dungarvin Nevada, L.L.C., is 1444 Northland Drive, Suite 200, Mendota

FIRST AMENDED EMPLOYMENT DISCRIMINATION COMPLAINT FOR DAMAGES UNDER TITLE VII, THE AMERICANS WITH DISABILITIES ACT, THE AGE DISCRIMINATION IN EMPLOYMENT ACT, UNLAWFUL DISCHARGE FROM EMPLOYMENT, RETALIATION, AND THE INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS - 1

Heights, MN 55120. Their contact phone numbers are: Phone: (651) 699-0206, Toll Free: (800) 967-2791, and Fax: (651) 699-0799.

2. The address for Defendant Charlotte McClanahan, Senior Director of Dungarvin Nevada, L.L.C., is 3325 W. Craig St., Ste. A, No. Las Vegas, Clark County, NV 89032. Her telephone contact number is (702) 222-2243.
3. The address for Defendant Taneka McQueen, Program Director of Dungarvin Nevada, L.L.C., is 3325 W. Craig St., Ste. A, No. Las Vegas, Clark County, NV 89032. Her telephone contact number is (702) 222-2243.
4. The address for Defendant Barbara Jordan, Human Resource Specialist of Dungarvin Nevada, L.L.C., is 3325 W. Craig St., Ste. A, No. Las Vegas, Clark County, NV 89032. Her telephone contact number is (702) 222-2243.
5. The address for Defendant Yolanda Festes, a Program Coordinator of Dungarvin Nevada, L.L.C., is 3325 W. Craig St., Ste. A, No. Las Vegas, Clark County, NV 89032. Her telephone contact number is (702) 222-2243.

II. JURISDICTION

1. Jurisdiction over this claim is based on 28 U.S.C. Section 1331. The disabled pro se Plaintiff alleges that the defendants discriminated against the disabled pro se Plaintiff because of Plaintiff's:
 - Race** (Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e to 2000e-17)
 - Age** (The Age Discrimination in Employment Act of 1967, 29 U.S.C. Section 621 to 634.)
 - Disability** (The Americans with Disabilities Act of 1990, 42 U.S.C. Section 12112 to 12117)
 - Genetic Information** (Genetic Information Nondiscrimination Act, Pub. L. 110-233, 122 Stat. 881, enacted May 21, 2008).
2. The disabled pro se Plaintiff has filed a charge before the United States Equal Employment Opportunity Commission (EEOC) on March 4, 2016.
3. The disabled pro se Plaintiff's Right to Sue Notice from the EEOC was received on or about March 8, 2016.

III. STATEMENT OF LEGAL CLAIM

Plaintiff is entitled to relief in this action because:

1. My name is James E. Robinson.
2. My address is 4675 Color Up Ct., Las Vegas, Nevada, 89122.
3. My phone number is (415) 574-9735.
4. I am 65 year-old disabled, African-American male, under the auspices of the Social Security Administration. I suffer with Type II Diabetes, high blood pressure, and also have a torn meniscus, all for which I began receiving Medicare Benefits in 2008.
5. The collective Defendants fostered and created a retaliatory hostile work environment regarding the disabled pro se Plaintiff here, which was non-protective of my civil rights as a 64 year-old, disabled, African-American male, which also caused me a significant amount of workplace related stress and anxiety.
6. Based on the foregoing, I, James E. Robinson hereby allege that the collective Defendants have discriminated against me based on my:
 7. **Race** (Title VII of the Civil Rights Act of 1967, as amended, 42 U.S.C. Section 2000e-5)
 8. **Age** (The Age Discrimination in Employment Act, 29 U.S.C. Section 621)
 9. **Disability** (The Americans with Disabilities Act, 42 U.S.C. Section 12101)
 10. **Genetic Information** (Genetic Information Nondiscrimination Act, Pub. L. 110-233, 122 Stat. 881, enacted May 21, 2008), and are culpable for having also committed against me the torts of:
 11. **Unlawful Discharge from Employment,**
 12. **Retaliation, and**
 13. **The Intentional Infliction of Emotional Distress,** with malice and reckless indifference.

IV. FACTS IN SUPPORT OF CLAIM

1. From January of 2015 to November 1, 2015, I worked full time, as a disabled 64 year-old African-American male, in a third shift position for the Defendant Dungarvin Nevada, L.L.C as a program counselor.

2. During the month of June, 2015 I, while my employer was aware of my disability condition, as a protected activity, put in a written application for a promotion to program coordinator, in response to a posted job announcement. The position required a Bachelor's degree in Social Sciences, which I had acquired in 2007.
3. In retaliatory response I was, without pay, called into the office of Defendant Senior Director Charlotte McClanahan, on my off day, and was subjected to an interrogation regarding my written application for promotion, which lasted for more than two hours, and felt, to me, to be designed to discourage me from seeking the aforementioned promotion. I believe that the position was given to a woman who was approximately 40 years of age.
4. Subsequently, while my employer was aware of my disability condition, and again as a protected activity, around July and August of 2015, I again applied for (2) positions as program coordinator, in addition to (1) position as house manager.
5. In retaliatory response, I was again called in early and before my shift began, without pay, for another program coordinator promotion interview, wherein I was informed at that time that the interview went well; however, and again, I believe that the position was given to a woman who was approximately 40 years of age.
6. Subsequently I came to understand that the house manager position for which I had applied, had also been given to another woman who was approximately 40 years of age, as well.
7. On Wednesday, August 26, 2015, I again and as a protected activity, while my employer was aware of my disability condition, electronically filed a written grievance with the Defendant Dungarvin Nevada, L.L.C., specifically to Defendant Senior Director, Charlotte McClanahan at their Bucking Bronco site, after Defendant Barbara Jordan, Human Resource Specialist of Dungarvin Nevada, L.L.C., refused to accept the hard copy.
8. In retaliation, while my employer was aware of my disability condition, on November 1, 2015, I was summarily dismissed from employment from Defendant Dungarvin L.L.C., under a perfunctory mendacious ruse of pretext.

- 1 9. Until this very day, my August 26, 2015 written grievance to Defendant Dungarvin L.L.C., while my
2 employer has been aware of my disability condition, has still not been addressed or discussed with me, in
3 any form or manner.
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8 **V. REQUEST FOR RELIEF**

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10 Based on the foregoing, Plaintiff seeks the following relief:

- 11 a. An award of back pay
12 b. Costs of suit
13 c. An award of money damages
14 d. Punitive damages
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18 Dated this [day] of August, 2016.
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20 _____
21 James E. Robinson, pro se
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